

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator Michael Martin Bell,
KIM MARIE BELL, MICHAEL MARTIN BELL,
and SHANTAE BELL,

Plaintiffs,

Civil Action No. 05-C-1176

v.

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT,
CITY OF KENOSHA,

Defendants.

**PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT OR TO STRIKE
DEFENDANTS' AFFIRMATIVE DEFENSES FOR THE
DEFENDANTS' FRAUD UPON THE COURT**

To: Defendants.

PLEASE TAKE NOTICE THAT pursuant to Federal Rule of Civil Procedure 37(b) and pursuant to this Court's inherent authority, the plaintiffs Estate of Michael Edward Bell, Kim Marie Bell, Michael Martin Bell, and Shantae Bell, by their attorneys Cannon & Dunphy, S.C., move this Court for an order granting default judgment in the plaintiffs' favor or, alternatively, striking the defendants' affirmative defenses.

This motion is based on the entire record, including the supporting brief and affidavit of Patrick O. Dunphy. Plaintiffs request oral argument on this motion.

Dated this 9th day of November, 2007.

CANNON & DUNPHY, S.C.

Attorneys for Plaintiff

By: _____ s/ Patrick O. Dunphy _____
Patrick O. Dunphy State Bar No. 1016947
Brett A. Eckstein State Bar No. 1036964

P.O. ADDRESS:

595 North Barker Road
P.O. Box 1750
Brookfield, WI 53008-1750
(262) 796-3701